

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DR. JENNY H. CONVISER and)
ASCEND CONSULTATION IN)
HEALTH CARE, LLC,) Case No. 1:20—cv—03094
)
Plaintiffs,) Hon. Franklin U. Valderrama
v.)
) Magistrate Judge Jeffrey T. Gilbert
DEPAUL UNIVERSITY,)
)
Defendant.)

JOINT STATUS REPORT

Plaintiffs Dr. Jenny Conviser and Ascend Consultation in Health Care, LLC (collectively, “Plaintiffs”) and Defendant DePaul University (“DePaul”) (Plaintiffs and DePaul are collectively identified as the “Parties”), by and through their undersigned attorneys, hereby submit the following Joint Status Report pursuant to the Court’s June 24, 2024, Order (Docket Entry (“DE”) 138) and state as follows:

1. The Court's Order directed the Parties to file a joint status report identifying: (a) the status of the Parties' discussions about a potential mediation; (b) whether Plaintiffs have made a written settlement demand and whether Defendant has responded to it; (c) whether any depositions have been completed and, if so, the names of those witnesses who have been deposed; and (d) confirmed dates for all remaining fact depositions to be taken before the close of fact discovery. (DE 138).

MEDIATION DISCUSSIONS

2. On April 2, 2024, the Parties appeared before District Court Judge Valderrama on their Joint Motion to Extend the Summary Judgment and All Pretrial and Trial Dates in the case. (DE 126 and 132.) At the hearing, the Parties discussed the prospects of settlement in the case.

Judge Valderrama strongly encouraged the Parties to consider settlement. The Parties asked Judge Valderrama, if they were able to agree to mediation, would the Court stay proceedings to limit further attorney's fees (a significant component of settlement discussions). Judge Valderrama informed the Parties he would stay discovery if the Parties agreed to a settlement conference with the Magistrate Judge or to participate in private mediation. Judge Valderrama subsequently entered an Order memorializing the discussion on the record: "The Court strongly encourages the parties to engage in settlement negotiations, and to move the Court for relief as necessary to pursue such negotiations." (DE 132.)

3. In April and May 2024, counsel discussed the prospects of mediation between themselves and with their respective clients.

4. On May 31, 2024, Plaintiffs agreed to attend a private mediation without precondition.

5. On June 4, 2024, Plaintiffs communicated a written settlement demand to DePaul.

6. On June 12, 2024, the Parties conferred through their respective counsel by telephone and agreed to engage a private mediator with the goal of fully resolving this case to avoid further litigation and expense.

7. Between June 12 and 24, 2024, the Parties worked to identify potential mediators that would be acceptable to each Party.

8. On the evening of June 25, 2024, the Parties agreed to mediate with the Honorable Eileen M. Brewer of JAMS on August 2, 2024. This was the earliest date that both Judge Brewer and the Parties were available to schedule a mediation.

9. DePaul has not yet made a counteroffer. DePaul will provide a counteroffer to Plaintiffs' demand in advance of appearing at the mediation as part of the mediation process.

10. On June 27, 2024, in accordance with Judge Valderrama's April 2 Order (DE 132), the Parties filed a *Joint* Motion to Stay Discovery ("*Joint* Motion") (DE 139) seeking a stay of all discovery, summary judgment, pretrial and trial dates until after the Parties complete mediation on August 2.

DEPOSITIONS

11. In light of the significant progress the Parties have made this month to agree to and schedule a mediation on August 2, the Parties have not taken any depositions this month and are focusing their efforts on preparing for mediation.

12. The Parties are awaiting a ruling from Judge Valderrama on their *Joint* Motion, which if granted, will moot the need to complete depositions by the July 30, 2024, fact discovery cutoff. As outlined in the *Joint* Motion, the Parties wish to avoid incurring the burden and expense of completing depositions prior to the opportunity to resolve this case on August 2.

WHEREFORE, the Parties respectfully submit the foregoing Joint Status Report. Should the Court require any further information in advance of the July 2, 2024 status hearing, the Parties will be happy to provide any requested information.

Respectfully submitted,

/s/ Brian P. Paul

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Dated: June 27, 2024

/s/ Michael S. Popok

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Dated: June 27, 2024

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on June 27, 2024, he filed the foregoing ***Joint Status Report*** with the Clerk of the Court using the CM/ECF NextGen system, which will send notification of such filing to following:

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